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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,473	02/06/2001	Ervin F. Johnston		8971

7590  
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04/21/2006

EXAMINER

CAMPEN, KELLY SCAGGS

ART UNIT PAPER NUMBER

3624

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/777,473

Applicant(s)

JOHNSTON, ERVIN F.

Examiner

Kelly Campen



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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## **DETAILED ACTION**

### ***Specification***

The abstract of the disclosure is objected to because it refers to that which is implied (see below). Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 112***

Claims 33-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically it is unclear whether applicant is claiming a method or an apparatus. The term 'system' is not a statutory class of invention. Applicant should correct. For examination purposes, the claims will be interpreted as apparatus claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 33-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang et al. (US 5884288).

Chang et al. disclose an automated bill paying system [apparatus] having an access site for receiving, processing and transmitting transaction data, approval data and bank data wherein the transaction data contains at least one transaction and amount due on the transaction between a debtor and a creditor, the bank data contains a debtor's bank balance of a debtor's bank account of the debtor and the approval data contains an approved dollar amount approved by the debtor to debit the debtor's bank account and credit the amount due in the transaction data comprising the access site including means for transmitting the transaction data to the debtor as a line item on a video screen wherein the line item displays identification of the transaction and the amount due thereon and means for receiving the approved dollar amount from the debtor, debiting the debtor's bank account by the approved dollar amount and crediting the amount due in the transaction data by the approved dollar amount (see abstract, 2, 4, 6, 7).

Chang et al. disclose an apparatus for paying bills involving a creditor, a debtor and a bank that has a creditor E-Mail address, a debtor E-Mail address and a bank E-Mail address respectively at a creditor site, a debtor site and a bank site respectively comprising the creditor's site having stored transaction data which includes the debtor's E-Mail address and amount due data in a debtor's account of the debtor; means, at the creditor's site, for sending the transaction data including the amount due data to the debtor's E-mail address; computer means, at the debtor's site, for receiving the transaction

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data with the amount due data and displaying an amount due in the amount due data in a line item on an electronic video screen for approval by the debtor; activation means interconnected to the computer means and responsive to a n approval command by the debtor for indicating approval by the debtor of at least a portion of the amount due; upon the activation means responding to said approval command, the computer means being responsive to the activation means for sending approval data of said at least a portion of the amount due to the bank's E-mail address where the debtor has a bank account for paying bills; means, at the bank's site, for receiving the approval data of said at least a portion of the amount due data and debiting said bank account by said at least a portion of the amount due; means, at the bank site, for sending to the creditor's E- Mail address credit amount data which includes said at least a portion of the amount due for offsetting said amount due; and means, at the creditor's site, for receiving the credit amount due and crediting the debtor's account by said at least a portion of the amount due (see abstract and figures 1-7).

Chang et al. disclose a computer program product for paying bills involving a creditor, a debtor and a bank with a creditor E-Mail address, a debtor E-Mail address and a bank E-Mail address respectively at a creditor site, a debtor site and a bank site respectively wherein the creditor's site has stored transaction data which includes the debtor's E-Mail address and amount due data in a debtor's account of the debtor and has means for sending the transaction data including the amount due to the debtor's E-mail address and wherein the bank's site has means for receiving approval data of at least a portion of the amount due data and debiting said bank account by said at least a portion of the amount due and means for sending to the creditor's E- Mail address credit amount

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data which includes said at least a portion of the amount due for offsetting said amount due and wherein the creditor further has means for receiving the credit amount data and crediting the debtor's account by said at least a portion of the amount and wherein the computer program product is for use with a computer, a video screen and an activator at the debtor's site wherein the screen and the activator are interconnected to the computer and the activator is responsive to commands by the debtor for activating the computer to perform functions, said computer program product comprising a recording medium; receiving means, recorded on the said recording medium, for receiving the transaction data with the amount due data and displaying an amount due in the amount due data in a line item on the video screen for approval by the debtor; and approval means, recorded on said recording medium, for causing the activator to indicate approval by the debtor of said at least a portion of the amount due when the activator responds to a first approval command by the debtor; and sending means, recorded on said recording medium, responsive to the indication of approval by the activator for causing the computer to send approval data of said at least a portion of the amount due to the bank's E-mail address where the debtor has a bank account for paying bills (see abstract, figures 1-7).

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Campen whose telephone number is (571) 272-6740. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kelly S. Campen



VINCENT MILLIN  
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